THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 6839 OF 2007

Dated 3rd April 2007

Between:

R.Lokanadha Naidu

…Petitioner

and

The Secretary,
Regional Transport Authority, Tirupati & another.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 6839 OF 2007

O R D E R:

The petitioner is the owner of heavy goods vehicle bearing No.NL-01-A-5050. It was seized on 26.3.2007, under a panchanama, by pointing out several irregularities. Thereafter, the 1st respondent issued show-cause notice, dated 30.3.2007, directing the petitioner, to explain as to why a sum of Rs.41,090/-, towards arrears of tax, and Rs.82,180/-, towards penalty, shall not be levied on the petitioner. The grievance of the petitioner is that the continued detention of the vehicle is exposing him to damages from third parties, apart from damage to the vehicle.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

The liability of the petitioner, in the light of the seizure of the vehicle, needs to be determined by the 1st respondent. A

show-cause notice was already issued, in the context of payment of arrears of tax. It is not known whether any other steps are initiated. Be that as it may, the continued detention of the vehicle, pending the determination of the proceedings, would result in hardship to the petitioner. The interests of the State can be protected, by imposing the relevant conditions, while directing release of the vehicle.

Hence, the writ petition is disposed of, directing the respondents to release the vehicle bearing No. NL-01-A-5050, on condition that the petitioner deposits a sum of Rs.41,090/- towards arrears of tax, and a tentative sum of Rs.10,000/-. The liability of the petitioner, to be levied in penalty, would depend on the outcome of the orders that may be passed by the

1st respondent. The petitioner shall also file an undertaking, to the effect that he shall produce the vehicle, as and when required, and that he shall not alienate the vehicle, during the pendency of the matter, without the specific permission of the 1st respondent. There shall be no order as to costs.

3rd April 2007

Note: Issue C.C. in two days.

(B/o)

PAN